

PROVISO
SUBCOMMITTEE
RECOMMENDATIONS



LEGISLATIVE,
EXECUTIVE, AND
LOCAL GOVERNMENT

**PROVISO SUBCOMMITTEE
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT
RECOMMENDATIONS FOR FY 2010-11
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 40 - P32 - DEPARTMENT OF COMMERCE

- 40.19 DELETE** (Repayment of Energy Loan) Directs that \$1,929,000 of Department of Commerce appropriated, authorized, or carried forward funds be used to repay the State Energy Office energy loan that was made to the Donaldson Center Industrial Air Park.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The loan has been repaid.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~40.19. (CMRC: Repayment of Energy Loan) From the funds appropriated, authorized, and/or carried forward by the Department of Commerce, \$1,929,000 shall be utilized to repay the energy loan that was made to the Donaldson Center Industrial Air Park from the State Energy Office.~~

- 40.22 DELETE** (Aeronautics Assets and Funds) Prohibits the Department of Commerce, in accordance with Section 13-1-1010 [COMMISSION CREATED; PURPOSE; PURCHASE AND SALE OF AERONAUTICS ASSETS], from selling or transferring any Division of Aeronautics assets including, but not limited to leasehold improvements and all rights inuring to the benefit of the division under real estate leases in effect as of 1/1/09, and the ability to sublease same, without Aeronautics Commission and Secretary of Commerce approval. Prohibits the Division of Aeronautics from being relocated from the SC Division of Aeronautics Building at the Columbia Metropolitan Airport without approval by the Aeronautics Commission and the Secretary of Commerce. Requires Aeronautics Commission and Secretary of Commerce approval for funds appropriated to or authorized for the Division of Aeronautics to be transferred to or expended for any other program. Directs that if state funds are reduced, Division of Aeronautics general funds may not be reduced greater than the percentage stipulated by the B&C Board or General Assembly for the agency as a whole.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The Aeronautics Commission has been transferred from the Department of Commerce and is no longer subject to the department's decisions or control.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

~~40.22. (CMRC: Aeronautics Assets and Funds) In accordance with Section 13-1-1010 of the 1976 Code, the Department of Commerce is prohibited from selling or transferring any Division of Aeronautics assets, including but not limited to, leasehold improvements and all rights inuring to the benefit of the Division of Aeronautics under real estate leases in effect as of January 1, 2009, and the ability to sublease same, without the approval of the South Carolina Aeronautics Commission and the Secretary of Commerce. In addition, any relocation of the Division of Aeronautics from the property known as the South Carolina Division of Aeronautics Building at the Columbia Metropolitan Airport must be approved by the Aeronautics Commission and the Secretary of Commerce and funds appropriated to or authorized for the Division of Aeronautics may not be transferred to or expended for any other program without the approval of the Aeronautics Commission and the Secretary of Commerce. In the event state appropriations are reduced, Division of Aeronautics general funds may not be reduced in an amount greater than the percentage stipulated by the Budget and Control Board or the General Assembly for the agency as a whole.~~

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SECTION 68D - U30 - DIVISION OF AERONAUTICS

68D.rs **ADD** (Reimbursement for Services Carry Forward) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Division of Aeronautics to retain and expend reimbursements resulting from charges to other governmental agencies for service and supplies and to use the funds for operating purposes and authorize up to a \$300,000 reserve be carried forward for replacement of time limit aircraft components. *Original proviso moved from Budget and Control Board proviso 80A.43.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

68D.rs. (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

68D.osr **ADD** (Office Space Rental) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs. *Original proviso moved from Budget and Control Board proviso 80A.44.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

68D.osr. (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and expended to cover the cost of building operations.

68D.fs **ADD** (Funding Sequence) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA appropriations based on enplanements the state. Allow the policy to be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports. *Original proviso moved from Budget and Control Board proviso 80A.45.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

68D.fs. (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

68D.hp **ADD** (Hangar/Parking Facilities) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Direct that funds be retained for hangar and parking facility maintenance. Direct that the Hangar Fee Schedule be determined by the division and not exceed local average market rates. Direct that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft. *Original proviso moved from Budget and Control Board proviso 80A.46.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

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68D.hp. (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

- 68D.ad ADD (Airport Development) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Aeronautics Commission. *Original proviso moved from Budget and Control Board proviso 80A.47.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

68D.ad.(AERO: Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Aeronautics Commission.

- 68D.gf ADD (Grant Funds Carry Forward) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize any unexpended Matching National Grant Funds balance to be carried forward from the prior fiscal year into the current fiscal year and be used for matching committed and/or unanticipated grant funds. *Original proviso moved from Budget and Control Board proviso 80A.49.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

68D.gf. (AERO: Grant Funds Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, for Matching National Grant Funds, may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.

- 68D.cf ADD (Carry Forward Sale of Aircraft Proceeds) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to carry forward proceeds from the sale of aircraft to be used for replacement aircraft, for required FAA upgrades to existing aircraft, and for other Division purposes. *Original proviso moved from Budget and Control Board proviso 80A.50 and amended.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

69D.cf. (AERO: Carry Forward Sale of Aircraft Proceeds) The Division of Aeronautics may carry forward proceeds from the sale of aircraft to be used for replacement aircraft, required Federal Aviation Administration upgrades to existing aircraft, and other Division purposes.

- 68D.ag ADD (Aviation Grants) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct Aviation Grants funds appropriated in this bill or any bill supplemental to this bill to be credited to the State Aviation Fund and be used (1) to allow maximization of grant funds available through the FAA for capital improvement projects; (2) for general aviation airports maintenance projects; and (3) for aviation education related programs. Direct that sponsors of publicly owned airports for public use are eligible to receive grants, but require the airport to have a current development plan the meets National Plan of Integrated Airports Systems planning requirements. Direct the B&C Board Executive Director to promulgate regulations establishing the grants program. Direct that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority

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guidelines and authorizes the B&C Board Executive Director to have the discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Require an expenditure report be submitted to the Senate Finance and House Ways and Means Committees. Authorize unexpended funds to be carried forward and spent for like purposes. *Original proviso moved from Budget and Control Board proviso 80A.51 and amended.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

68D.ag. (AERO: Aviation Grants) *The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:*

(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects;

(2) for maintenance projects of general aviation airports; and or

(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and/or the promotion of aviation in general.

Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1) priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.

A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.

Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.

68D.agm ADD (Grant Match Funds) PROVISO SUBCOMMITTEE RECOMMENDATION:

ADD new proviso to authorize funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Require Aeronautics Commission approval prior to the funds being awarded. *Original proviso moved from Budget and Control Board proviso 80A.52.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

68D.agm. (AERO: Grant Match Funds) *The funds appropriated to the Division of Aeronautics for FAA grant matching, may be used to match state and local aviation airports projects whether or not they have received FAA funding. Any funds must be approved by the Aeronautics Commission prior to being awarded.*

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SECTION 70 - A99 - LEGISLATIVE DEPARTMENT

70.22 **AMEND** (Code of Law Reimbursement) Authorizes Legislative Council to require public sector recipients, except for the General Assembly and courts of record in the unified judicial system, to reimburse the council for its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the exception for courts of record in the unified judicial system. *Due to budget reductions, there are not sufficient funds to provide these items free of charge to the courts.* Fiscal Impact: PENDING. Requested by Legislative Council.

70.22. (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients except for the General Assembly ~~and courts of record in the unified judicial system~~ of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

70.24 **AMEND** (Joint Strategic Technology Committee) Creates a Joint Strategic Technology Committee and provides for membership of the committee. Directs that the purpose of the committee is to review the Statewide Strategic Information Technology Plan prepared by the B&C Board and the Agency Directors Technology Advisory Committee and make recommendations to the Senate Finance and House Ways and Means Committees by January 29, 2010 and to also recommend priorities for state government enterprise information technology projects and resource requirements beginning in the FY 09-10 budget cycle. Directs the joint committee to conduct a comprehensive review of all statutes that relate to management and use of information technology by state government; to review IT policies; and to determine methods to foster collaboration among state government users of IT and between state government and the private sector through creation of advisory committees. Directs the joint committee to recommend statutory changes to successfully implement the Statewide Strategic Information Technology Plan and management and use of IT by state government. Directs the B&C Board and all state agencies to cooperate with and provide assistance to the joint committee as requested. Directs the B&C Board Executive Director to appoint an Agency Directors Technology Advisory Committee and to determine the composition of the committee representing a cross section of state government agencies. Directs the advisory committee to provide input and advice on the Statewide Strategic Information Technology Plan and to assist and advise the Joint Strategic Technology Committee as requested.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to specify that the joint committee is to make recommendations “as needed” and change “2010” to “of the current fiscal year.” *Allows the joint committee to make recommendations as needed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

70.24. (LEG: Joint Strategic Technology Committee) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee. The Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee.

The Joint Strategic Technology Committee shall have the following purposes and responsibilities:

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(1) The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and, as needed, make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January 29, 2010 of the current fiscal year. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements beginning in the Fiscal Year 2009-10 budget cycle;

(2) The joint committee shall conduct a comprehensive review of all statutes relating to the management and use of information technology by state government, review state government information technology policies, and determine methods to foster collaboration among state government users of information technology and between state government and the private sector through the creation of advisory committees. Further, the joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the management and use of information technology by state government.

The Budget and Control Board and all state agencies shall cooperate with and provide assistance to the Joint Strategic Technology Committee as requested by the committee.

The Executive Director of the State Budget and Control Board shall appoint an Agency Directors Technology Advisory Committee. The Executive Director shall determine the number and composition of this committee, which shall represent a cross-section of state government agencies. This committee shall provide input and advice regarding the Statewide Strategic Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

SECTION 72 - D21 - GOVERNOR'S OFFICE

72.17 AMEND (OEPP - Guardian Ad Litem Program) Directs that both the Guardian ad Litem program and the funds must be administered separately from other programs within the Division of Children's Services and must be spent exclusively for the Guardian ad Litem program. Directs the Department of Revenue to reduce the rate of interest paid on eligible refunds by two percentage points and requires that the resulting revenue be used exclusively for Guardian ad Litem program operations. Authorizes the Guardian ad Litem program to carry forward their funds for their operations.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that the funds resulting from the reduction of the rate of interest paid on eligible refunds be deposited in the State Treasury in a fund separate and distinct known as the South Carolina Guardian ad Litem Trust Fund. Direct that unexpended funds from this revenue be carried forward to succeeding fiscal years and that earnings on the fund be credited to it. *Make Guardian ad Litem funding more stable by allowing it to keep the interest from the 2%.* Fiscal Impact: PENDING. Requested by Governor's Office, OEPP, Guardian ad Litem program.

72.17. (GOV: OEPP - Guardian Ad Litem Program) Both the program and the funds appropriated to the Governor's Office, Division of Children's Services, Guardian ad Litem Program must be administered separately from other programs within the Division of Children's Services and must be expended for the exclusive use of the Guardian ad Litem Program.

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For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem program and be deposited in the State Treasury in a separate and distinct fund know as the "South Carolina Guardian ad Litem Trust Fund. Unexpended revenues in this fund carry forward to succeeding fiscal years, and earning in this fund must be credited to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the prior fiscal year into the current fiscal year.

- 72.21 AMEND** (Mansion and Grounds Maintenance and Complex Facilities) Requires the Governor's Office to use at least \$241,569 of operating funds to reimburse the B&C Board, Division of General Services for expenses incurred associated with operation and maintenance of the Mansion Complex facilities and grounds. Directs that revenue collected from Mansion Complex facilities and grounds rental must be credited to and maintained in an account within the Governor's Office. Directs that any balance remaining to the credit of the B&C Board in Subfund 3540, Mansion Complex Rentals at the end of FY 07-08 must be transferred to the Governor's Office.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete reference to the transfer of any remaining balance in Subfund 3540. *The funds have been transferred.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

72.21. (GOV: M&G - Mansion and Grounds Maintenance and Complex Facilities) The Governor's Office must use a minimum of \$241,569 of the operating funds appropriated in Part IA, Section 72C to reimburse the Budget and Control Board, Division of General Services, for expenses incurred by the division for the operation and maintenance of the facilities and grounds of the Mansion Complex. Revenue collected from rental of Mansion Complex facilities and grounds must be credited to and maintained in an account within the Governor's Office. ~~Any balance at the conclusion of Fiscal Year 2007-08 that remains to the credit of the Budget and Control Board in Subfund 3540, Mansion Complex Rentals, must be transferred to the account established within the Governor's Office.~~

- 72.23 DELETE** (OEPP - Victim and Witness Assessment/Surcharge Study) Directs the State Office of Victim Assistance (SOVA) to impanel a committee of service requirement providers to conduct a study and provide a review of the five prior years of collections, distributions, and percentage allocations of assessments and surcharges for local funding of victim and witness services as provided in Sections 14-1-206(D) [ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-207(D) [ADDITIONAL ASSESSMENT, MAGISTRATE'S COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-208(D) [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], and 14-1-211(B) [GENERAL SESSIONS COURT SURCHARGE; FUNDS RETENTION FOR CRIME VICTIM SERVICES; UNUSED FUNDS; REPORTS, AUDITS]. Directs that a report on the review findings be submitted to the Senate Finance and Ways and Means Committees by December 31, 2009.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

72.23. (GOV: OEPP - Victim and Witness Assessment/Surcharge Study) ~~The State Office of Victim Assistance (SOVA) shall conduct a study of the collection, distribution, and percentage allocation of the assessments and surcharges for victim and witness services~~

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~~pursuant to the Victim and Witness Service Act. SOVA shall impanel a committee of service requirement providers including, but not limited to, local law enforcement, local detention facilities, prosecutors, and the summary courts to provide a review of the five prior years of collections, distributions, and percentage allocations of assessments and surcharges for local funding of victim and witness services as provided in Sections 14-1-206(D), 14-1-207(D), 14-1-208(D), and 14-1-211(B) of the 1976 Code. A report on the findings of the review must be submitted to the Senate Finance Committee and the House Ways and Means Committee by December 31, 2009.~~

SECTION 78 - E24 - ADJUTANT GENERAL'S OFFICE

78.12 **AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 09-10, to repay to the General Fund \$1,250,000 of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update Fiscal Year "2009-10" to "2010-11." Direct that if the entire \$2.5 million has been repaid no further payment is required. Fiscal Impact: No impact on the General Fund if the entire \$2.5 million has been repaid, otherwise \$1.25 million is directed to be deposited into the General Fund.

78.12. (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year 2009-10 2010-11, shall repay to the General Fund of the State \$1,250,000 of the \$2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center unless the entire \$2,500,000 loan has been repaid, in which case no further payment shall be required.

78.ec **ADD** (Emergency Commodities) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize EMD to rotate and replace water and Meals Ready to Eat (MREs) emergency commodities that are housed in the state's Logistic Center through providing these commodities to neighboring states, counties, municipalities and other state agencies. Authorize EMD to accept compensation for the commodities, not to exceed replacement costs, and to use the revenues solely for the replacement of state emergency commodities. *State emergency commodities are transferred and sold through Surplus Property. This would allow these items to be rotated and replenished before expiration rather than surplusd.* Fiscal Impact: No Impact on the General Fund. Requested by Adjutant General's Office.

78.ec. (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water and Meals Ready to Eat (MREs) emergency commodities housed in the state's Logistic Center through the provision of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the replacement of state emergency commodities.

SECTION 79 - E28-ELECTION COMMISSION

79.1 **DELETE** (County Registration Board and County Election Commission Compensation) Directs that \$1,500 for each County Registration Board Member & County Election

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Commissioner, not to exceed \$12,500 per county, be disbursed to the County Treasurer. Directs that any funds not used for compensation of these members be returned to the State Treasurer. Exempts these funds from mandated budget reductions and excludes these funds from the agency's base budget in calculating any across the board agency base reduction mandated by the B&C Board or the General Assembly.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: \$449,000 will no longer be disbursed to county board members and election commissioners.

79.1. (ELECT: County Registration Board and County Election Commission Compensation) ~~The amounts appropriated in this section for "County Registration Board Members and County Election Commissioners," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency's base budget.~~

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

80A.7 **AMEND** (BCB: Vacant Positions) Authorizes the B&C Board to delete any permanent position in an agency that has been vacant for more than 12 months, but authorizes the board to suspend this requirement for FY 09-10.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year "2009-10" to "2010-11." Fiscal Impact: No impact on the General Fund.

80A.7. (BCB: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve months the position may be deleted by the Budget and Control Board. For Fiscal Year ~~2009-10~~ 2010-11, the Budget and Control Board is authorized to suspend the requirement of this provision.

80A.17 **DELETE** (MoneyPlus) Directs the board to develop an aggressive outreach program to enroll employees in the "MoneyPlus" flexible benefits program to help offset medical expenses in order to lessen the effect of any potential increase in employee rates for the State Health Plan. Directs the board, upon request, to report to the Chairmen of the Senate Finance and Ways and Means Committees on the number of new enrollees to the program and the estimated savings to employees resulting from this effort. Directs the board to develop an aggressive outreach program to educate State Health Plan members in programs that compliment the state health programs, & employee & plan costs with alternative revenue or funding sources. Authorizes the board to use State Health Plan funds to match alternative revenue or funding sources.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The outreach program has been initiated and included as an on-going part of the State Health Plan.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.17. (BCB: MoneyPlus) ~~In order to lessen the effect of any potential increase in employee rates for the State Health Plan, the Budget and Control Board is directed to: (a) develop an aggressive outreach program for the purpose of enrolling employees in the~~

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~~“MoneyPlus” flexible benefits program to assist employees in off setting medical expenses. The board upon request shall report to the Chairmen of the Senate Finance and House Ways and Means Committees the number of new enrollees to the program and the estimated savings to employees as a result of this effort; and (b) develop an aggressive outreach program for the purpose of educating members of the State Health Plan in programs that compliment the state health programs, and employee and plan costs with alternative revenue or funding sources. The board is also authorized to use funds from the State Health Plan to match alternative revenue or funding sources.~~

- 80A.18 AMEND (Military Service)** Allows permanent full-time state employees, notwithstanding Section 8-11-610 [MANNER IN WHICH ANNUAL LEAVE SHALL BE COMPUTED], to use up to 45 days of accumulated annual leave and up to 90 days accumulated sick leave in a calendar year as if it were annual leave if they serve on active duty as a result of “Operation Enduring Freedom” or “Operation Noble Eagle,” or in a unit federalized for duty in connection with potential or actual hostilities in Iraq.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete references to serving in specific conflicts and instead direct that the specified leave may be used if the President of the United States declares an emergency and the employee serves. *Keeps proviso current as combat zones and areas of hostilities change.* Fiscal Impact: No impact on the General Fund. Agencies would absorb potential costs. Requested by Budget and Control Board.

80A.18. (BCB: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time state employee who serves on active duty as a result ~~“Operation Enduring Freedom” or “Operation Noble Eagle”, or in a unit federalized for duty in connection with potential or actual hostilities in Iraq, or any combination of these duties, of an~~ emergency declared by the President of the United States, and performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick leave in a calendar year as if it were annual leave.

- 80A.20 AMEND (Lawsuit Funding)** Directs the Executive Director to pay from the Insurance Reserve Fund, the State’s costs incurred in the current fiscal year associated with defending the Abbeville school funding and the prisoner mental health litigation. Requires the appropriate House and Senate officials to monthly certify the defense costs incurred and directs the Executive Director to pay the provider of the services the amount certified when the certification is received. Forgives the loans obtained by the Senate and House through interagency loan agreements on January 10, 2002 and November 20, 2003 to fund the State’s defense of the Abbeville school district funding litigation.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete reference to the forgiveness of the loans made to the Senate and House. *Language no longer needed since the forgiveness has taken effect.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.20. (BCB: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the

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amount certified. ~~The loans obtained by the Senate and the House of Representatives respectively through interagency loan agreements on January 10, 2002 and November 20, 2003, to fund the defense of the Abbeville County School District, et al. v. the State of South Carolina, et al. are forgiven.~~

- 80A.26 DELETE** (Confederate Relic Room) Directs the Office of State Budget to change references to the SC Confederate Relic Room and Museum found in the Act to the SC Confederate Relic Room and Military Museum and directs the Code Commissioner to change the same references in the next printing of the Code of Laws or code supplement.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Accomplished.*
Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.26.** (BCB: Confederate Relic Room) The Budget and Control Board, Office of State Budget is directed to change the reference to the SC Confederate Relic Room & Museum, found in Part IA, Section 80A, Program IV.E. of this act, to the SC Confederate Relic Room & Military Museum in the final printing of this act. The Code Commissioner is directed to change all appropriate Code of Law references to the SC Confederate Relic Room & Museum to the SC Confederate Relic Room & Military Museum in the next printing of the Code of Laws or of the supplement to the Code.~~

- 80A.35 AMEND** (Sale of Surplus Real Property) Provides for the disposition of proceeds derived from the sale of surplus real property and provides for exemptions.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the authorization for the Forestry Commission to retain the net proceeds from the sale of a tract of land containing a total of ten acres or less in Horry County. *The tract of land has been sold and the commission received the net proceeds from the sale of the property.* Fiscal Impact: None. Requested by Budget and Control Board.

80A.35. (BCB: Sale of Surplus Real Property) Up to 50% of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining 50% of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds shall only be used for the renovation of the ETV Telecommunications Center. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

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The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

~~The Forestry Commission shall be authorized to retain the net proceeds from the sale of a tract of land containing a total of ten acres or less in Horry County. Receipts generated by the sale of this tract shall be utilized for the agency's capital improvement and/or facility maintenance program. The commission may sell this tract of land at or above fair market value as determined by independent appraisal.~~

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

- 80A.36 DELETE** (Legislative Custodial Support Services) Directs that persons employed in Legislative Custodial Support positions are exempt from the provisions of Title 8, Chapter 17, Article 5 [STATE EMPLOYEE GRIEVANCE PROCEDURE ACT].

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Exemption has no application as positions do not exist.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.36.** (BCB: Legislative Custodial Support Services) *Persons employed in the Legislative Custodial Support positions shall be exempt from the provisions of Title 8, Chapter 17, Article 5.*~~

- 80A.39 DELETE** (Southern States Energy Board) Directs the B&C Board to use State Energy Office funds to pay the Southern States Energy board membership dues.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The Energy Office does not have a funding source that may be used for this purpose except possibly the escrow/trust account for any operating shortfall at Barnwell. Uses of the office's other funds are restricted by federal law or regulation and federal court orders.* Fiscal Impact: Annual dues are approximately \$31,000 to \$32,000. Requested by Budget and Control Board.

~~**80A.39.** (BCB: Southern States Energy Board) *The Budget and Control Board is directed to utilize funds authorized for the State Energy Office to pay membership dues to the Southern States Energy Board.*~~

- 80A.40 DELETE** (PORS Employer Contribution Rate Increase) Suspends, for FY 09-10, the increase in the employer contribution rate for employers that participate in the S.C. Police Officers Retirement System provided for in Section 9-11-310(F) [COST-OF-LIVING ADJUSTMENT TO BE BASED ON CONSUMER PRICE INDEX] as added by Act 311 of 2008.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Suspension was for one year and increased contributions are necessary for actuarial soundness of PORS. Additional delay of funding increase would violate Constitutional mandate for an actuarially*

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sound system. Fiscal Impact: The agency indicates 1.896 million less in employer contributions paid by state agencies and school districts, with \$1.558 million of that amount in general fund dollars. Permanent statute provided for up to ½% increase effective July 1, 2009. Implementation of increase on July 1, 2009 in accordance with permanent law would have required a .45% increase. Delay of one year in accordance with proviso to July 1, 2010 requires an employer contribution increase of .48%. Figures above are based upon .48% increase. Requested by Budget and Control Board.

80A.40. (BCB: PORS Employer Contribution Rate Increase) ~~The increase in the employer contribution rate for employers participating in the South Carolina Police Officers Retirement System provided for in Section 9-11-310(F), as added by Act 311 of 2008, is suspended for Fiscal Year 2009-10.~~

- 80A.41 DELETE** (Health Plan Tobacco User Differential) Allows the B&C Board to differentiate between tobacco users and nonusers regarding rates charged to enrollees in state health plans by imposing a surcharge on enrollee rates based on tobacco use.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

80A.41. (BCB: Health Plan Tobacco User Differential) ~~For health plans adopted under the authority of Section 1-11-710 of the 1976 Code by the Budget and Control Board during the fiscal year beginning July 1, 2009, the board is authorized to differentiate between tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco use.~~

- 80A.42 DELETE** (Morris Island Lighthouse) Directs the B&C Board to transfer any funds remaining or refunded by the federal government, after the Section 103 Morris Island Lighthouse restoration project is completed, to Save the Lighthouse, Inc. and directs that the funds be used for additional restoration or maintenance of the lighthouse.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Transfer has occurred.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.42. (BCB: Morris Island Lighthouse) ~~The Budget and Control Board is directed to transfer to Save the Lighthouse, Inc., any funds remaining or refunded by the federal government after completion of the Section 103 Morris Island Lighthouse restoration project, to be used by Save the Lighthouse, Inc. for additional restoration or maintenance of the Morris Island Lighthouse.~~

- 80A.43 DELETE/MOVE** (Aeronautics - Reimbursement for Services Carry Forward) Authorizes the Division of Aeronautics to retain and expend reimbursements resulting from charges to other governmental agencies for service and supplies and to use the funds for operating purposes and authorizes up to a \$300,000 reserve be carried forward for replacement of time limit aircraft components.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.rs.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.43. (BCB: Aeronautics - Reimbursement for Services Carry Forward) ~~The Division of Aeronautics may retain and expend reimbursements derived from charges to other~~

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~~government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.~~

- 80A.44 DELETE/MOVE** (Aeronautics - Office Space Rental) Authorizes revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.osr.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.44.** (BCB: Aeronautics - Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and expended to cover the cost of building operations.~~

- 80A.45 DELETE/MOVE** (Aeronautics - Funding Sequence) Directs that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA appropriations based on enplanements the state. Allows the policy to be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.fs.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.45.** (BCB: Aeronautics - Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.~~

- 80A.46 DELETE/MOVE** (Aeronautics - Hangar/Parking Facilities) Directs the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Directs that funds be retained for hangar and parking facility maintenance. Directs that the Hangar Fee Schedule be determined by the division and not exceed local average market rates. Directs that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.hp.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.46.** (BCB: Aeronautics - Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.~~

~~Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.~~

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- 80A.47 DELETE/MOVE** (Aeronautics - Airport Development) Directs that any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the division.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.ad.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.47.** (BCB: Aeronautics - Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Division of Aeronautics.~~

- 80A.48 DELETE** (Aeronautics - Clothing Allowance) Authorizes the Division of Aeronautics to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *This proviso was not moved to Division of Aeronautics Section, but was eliminated.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.48.** (BCB: Aeronautics - Clothing Allowance) The Division of Aeronautics is hereby authorized to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty.~~

- 80A.49 DELETE/MOVE** (Grant Funds Carry Forward) Authorizes any unexpended Matching National Grant Funds balance to be carried forward from the prior fiscal year into the current fiscal year and be used for matching committed and/or unanticipated grant funds.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.gf.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.49.** (BCB: Grant Funds Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, for Matching National Grant Funds, may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.~~

- 80A.50 DELETE/MOVE** (Carry Forward Sale of Aircraft Proceeds) Authorizes the department to carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required FAA upgrades to existing aircraft.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.cf.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.50.** (BCB: Carry Forward Sale of Aircraft Proceeds) The Budget and Control Board, Division of Aeronautics may carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required Federal Aviation Administration upgrades to existing aircraft.~~

- 80A.51 DELETE/MOVE** (Aviation Grants) Directs Aviation Grants funds appropriated in this bill or any bill supplemental to this bill to be credited to the State Aviation Fund and be used (1) to allow maximization of grant funds available through the FAA for capital improvement projects; excluding administration or operational projects; (2) for general aviation airports maintenance

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projects; and (3) for aviation education related programs. Directs that sponsors of publicly owned airports for public use are eligible to receive grants, but require the airport to have a current development plan the meets National Plan of Integrated Airports Systems planning requirements. Directs the B&C Board Executive Director to promulgate regulations establishing the grants program. Directs that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority guidelines and authorizes the B&C Board Executive Director to have the discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Requires an expenditure report be submitted to the Senate Finance and House Ways and Means Committees. Authorize unexpended funds to be carried forward and spent for like purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.af.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.51. (BCB: Aviation Grants) ~~The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics of the Budget and Control Board for the following purposes:~~

~~(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects; this does not include administration or operational projects;~~

~~(2) for maintenance projects of general aviation airports; and or~~

~~(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and/or the promotion of aviation in general.~~

~~Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.~~

~~The Executive Director of the Budget and Control Board shall promulgate regulations establishing the grants program that, at a minimum, address: (1) priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and (3) the criteria for distribution of funds among eligible airports.~~

~~Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Executive Director of the Budget and Control Board pursuant to this provision. The Executive Director also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.~~

~~A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.~~

~~Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.~~

80A.52 DELETE/MOVE (Aeronautics Grant Match Funds) Authorizes funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Requires Aeronautics Commission approval prior to the funds being awarded.

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.agm.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.52. (BCB: Aeronautics Grant Match Funds) ~~The funds appropriated to the Division of Aeronautics for FAA grant matching, may be used to match state and local aviation airports projects whether or not they have received FAA funding. Any funds must be approved by the Aeronautics Commission prior to being awarded.~~

80A.53 DELETE (Human Resource Programming) Directs that for FY 09-10 the following provisions are authorized in order to properly encode Human Resource regulations and guidelines for the South Carolina Enterprise Informational System (SCEIS). (A) Directs that state and political subdivisions officers and employees who accrue annual or sick leave, and who wish to be an organ donor, are entitled to leaves of absence without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of 30 regularly scheduled workdays in a calendar year for the purpose of organ donation. (B) Suspends Section 8-11-120 [REPORT OF JOB VACANCIES] for FY 09-10 and require an Executive branch state agency's appointing authority to post a notice of a job vacancy with the B&C Board Office of Human Resources and the Employment Security Commission at least 5 working days before filling the vacancy. (C) Authorizes state agencies that process their payroll through the Comptroller General to withhold or deduct any portion of a state employee's wages when required to do so by state or federal law or when an overpayment of wages has occurred due to a miscalculation or other bona fide error. Requires the employee to receive advance written notice of the deduction, reason for, and actual dollar amount or percentage of wages to be deducted prior to the deduction being made. (D) Directs that positions established under Section 8-11-196 [HIRING OF EMPLOYEES TO FILL TEMPORARY GRANT POSITIONS] must be limited to and not exist beyond the duration of the time-limited project, grant, or a subsequent renewal. Allows the agency to use other funds to continue employment between the expiration of one grant or time-limited project and the subsequent renewal of the same or similar grant or time-limited project. Requires temporary grant or time-limited project employees to be terminated and their positions to cease to exist when the grant, time-limited project, or subsequent renewal ends. Exempts temporary grant or time-limited project employees from the provisions of Sections 8-17-310 - 8-17-380 [STATE EMPLOYEE GRIEVANCE PROCEDURE]. Requires agencies to terminate all temporary grant or time-limited project positions when funding is terminated or is insufficient. (E) Authorizes the B&C Board, Office of Human Resources to amend or modify human resource policies, regulations and processes in order to implement and transition to SCEIS and to publish any changes or modifications in the State Register and on the official Office of Human Resources website prior to the changes or modifications taking effect.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Provision was codified by Act 29 of 2009.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.53. (BCB: Human Resource Programming) ~~To properly encode the Human Resource regulations and guidelines for the SC Enterprise Information System, the following provisions are authorized for Fiscal Year 2009-10:~~

~~A. All officers and employees of this State or a political subdivision of this State who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of thirty regularly~~

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~~scheduled workdays in any one calendar year during which they may engage in the donation of their organs. Saturdays, Sundays, and state holidays may not be included in the thirty-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the officer or employee involved.~~

~~B. Section 8-11-120 of the 1976 Code is suspended for Fiscal Year 2009-10 and in addition to any other requirement provided by law, when a job vacancy occurs in any state office, agency, department, or other division of the Executive branch of state government, the appointing authority must post a notice with the Office of Human Resources of the Budget and Control Board and the South Carolina Employment Security Commission at least five working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position, and include any other information required by law. For purposes of this section, 'appointing authority' shall have the same meaning as in Section 8-11-220 of the 1976 Code.~~

~~C. A state agency that has its payroll processed by the Office of the Comptroller General is authorized to withhold or deduct any portion of a state employee's wages when: (1) the State of South Carolina or a state agency that has its payroll processed by the Office of the Comptroller General in its role as an employer is required or empowered to do so by state or federal law; or (2) an overpayment of wages to an employee as a result of a miscalculation or other bona fide error has occurred. Prior to any deduction being made pursuant to this section, the employee must receive advance written notice of the deduction, the reason for the deduction, and the actual dollar amount or percentage of wages which will be deducted during one or more pay periods.~~

~~D. Positions established under Section 8-11-196 of the 1976 Code must be limited to and must not exist beyond the duration of the time limited project, grant, or a subsequent renewal of it. However, at the discretion of any agency, other funds may be used to fund continued employment between the expiration of one grant or time limited project and the subsequent renewal of the same or similar grant or time limited project. When the grant, time limited project, or a subsequent renewal ends, temporary grant or time limited project employees must be terminated and their positions will cease to exist. Temporary grant or time limited project employees will be exempt from the provisions of Sections 8-17-310 through 8-17-380 of the 1976 Code. State agencies and institutions must terminate all temporary grant or time limited project positions when funding is terminated, or is insufficient to continue payments under the conditions of the grant or time limited project.~~

~~E. In order to implement and transition to the South Carolina Enterprise Informational System in Fiscal Year 2009-10, the Budget and Control Board, Office of Human Resources is authorized to amend or modify human resource policies, regulations, and processes as it determines efficient to implement and transition to the South Carolina Enterprise Informational System. Any changes or modifications adopted by the Office of Human Resources shall be published in the State Register and published on the official Office of Human Resources website prior to the changes or modifications taking effect.~~

80A.hol ADD (Holidays) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to direct that employees shall observe the Saturday, December 25, 2010 and Sunday, December 26, 2010 holidays on Monday, December 27, 2010 and Tuesday, December 28, 2010, respectively. *Provides authority of observance of legal holidays on alternate days that are not expressly authorized by existing statute.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

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80A.hol. (BCB: Holidays) For state employees, the Saturday, December 25, 2010 legal holiday shall be observed on Monday, December 27, 2010, and the Sunday, December 26, 2010 legal holiday shall be observed on Tuesday, December 28, 2010.

80A.shp **ADD** (State Health Plan Obesity Treatment Pilot Program) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the board, when they establish the 2011 State Health Plan Benefits, to establish a one year pilot program, for 2011 only, to provide treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. Require the Plan to develop program eligibility criteria for the patient and the facility to include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient. Direct that patient participation criteria must also include that a person may be eligible for the program's bariatric surgery if he participates in the State Health Plan as either a subscriber or spouse and is not Medicare eligible; and (a) has a body mass index greater than 40; or has a body mass index greater than 35 and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma; (b) has participated in the State Health Plan the preceding 2 years; (c) has documented at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan with his primary practitioner; and (d) has presented a pre-operative psychological evaluation indicating they are a satisfactory candidate for surgery. Direct that a medical center or hospital may be eligible to deliver bariatric surgery in the program if (a) it is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery; (b) has critical post-surgical patient support in place including, but not limited to, a nutritionist or dietician for patient access; individual and group support meetings; development of personalized weight loss goals and management and support for lifelong life style changes; and a physical activity component; and (c) imposes an initial surgical fee that must include 18 months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings. Direct the pilot program is limited to 100 patients from different regions in the state. Require the State Health Plan shall annually report detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. Require a patient to serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery. Direct that surgeries performed under this program those determined most medically appropriate for participating patients.

80A.shp. (BCB: State Health Plan Obesity Treatment Pilot Program) (A) The Budget and Control Board, when establishing the State Health Plan of Benefits for Plan Year 2011, shall establish a one-year pilot program designed to address the problem of the high rate of obesity in South Carolina by providing for the treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. The State Health Plan through the State Budget and Control Board must conduct this program as provided in this proviso. The program will operate only in Plan Year 2011.

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(B)(1) The State Health Plan shall develop criteria for patient and facility eligibility for the program which shall include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient.

(2) In addition to the considerations required in item (1) of this subsection, criteria for patient participation must include that a person may be eligible for bariatric surgery in the program if he is a State Health Plan participant covered as either a subscriber or spouse and is not eligible for Medicare and:

(a) (i) has a body mass index greater than forty; or

(ii) has a body mass index greater than thirty-five and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma;

(b) has participated in the State Health Plan for at least the immediately preceding two years;

(c) has documented with his primary practitioner at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan; and

(d) has presented a pre-operative psychological evaluation indicating the patient is a satisfactory candidate for surgery.

(3) In addition to the considerations required in item (1) of this subsection, a medical center or hospital may be eligible to deliver bariatric surgery in the program if it:

(a) is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery;

(b) has all the critical post-surgical patient support in place including, but not limited to:

(i) a nutritionist or dietician for patient access;

(ii) individual and group support meetings;

(iii) development of personalized weight loss goals and management and support for lifelong life style changes; and

(iv) a physical activity component; and

(c) imposes an initial surgical fee that must include eighteen months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings.

(C) The program may approve not more than one hundred patients from different regions in the state for the program based on the guidelines developed by the State Health Plan.

(D)(1) The State Health Plan shall report annually to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. A patient must serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery.

(2) Surgeries performed under this program shall be that determined most medically appropriate for participating patients.

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SECTION 82 - R52 - STATE ETHICS COMMISSION

- 82.ef. ADD (Electronic Filing) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Ethics Commission to require all statements and forms filed with the commission to be filed using the electronic filing system developed pursuant to Section 8-13-365. Require all funds saved be used to offset the cost of administering and enforcing the Ethics Act. Authorize unexpended funds to be carried forward. *Mandated electronic filing for all filers brings the commission into full compliance with Section 8-13-3665 and provides immediate online access for the public and media.* Fiscal Impact: No impact on the General Fund. The commission states that during FY 08-09 four temporary employees were employed at a cost of approximately \$75,000. Mandatory electronic filing would reduce that cost to zero. Requested by Ethics Commission.

82.ef. (ETHICS: Electronic Filing) The State Ethics Commission is authorized to require all statements and forms filed with the commission to be filed using the electronic filing system developed pursuant to Section 8-13-365 of the 1976 Code. All funds saved must be used to offset the costs of administering and enforcing the Ethics, Government Accountability, and Campaign Reform Act. The State Ethics Commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

SECTION 84 - V04 - DEBT SERVICE

- 84.1 AMEND (Excess Debt Service Funds Carry Forward)** Authorizes excess Debt Service funds to be carried forward from FY 08-09 and be spent for debt service purposes in FY 09-10.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year references from “2008-09” to “2009-10” and “2009-10” to “2010-11.” Fiscal Impact: PENDING.

84.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2008-09~~ 2009-10 may be carried forward and expended for debt service purposes in Fiscal Year ~~2009-10~~ 2010-11.

SECTION 85 - X12 - AID TO SUBDIVISIONS, COMPTROLLER GENERAL

- 86.2 AMEND (Local Government Flexibility)** Directs that for FY 09-10, counties may transfer funds among appropriated state revenues as needed to ensure delivery of services.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year reference from “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.

86.2. (AS-TREAS: Local Government Flexibility) Fiscal Year ~~2009-10~~ 2010-11, counties of this State may transfer funds among appropriated state revenues as needed to ensure the delivery of services.

- 86.3 AMEND (Quarterly Distributions)** Directs that for FY 09-10, the quarterly distribution for Aid to Subdivisions-Local Government Fund entities be as follows: 1st quarter is to equal the amount of the last quarterly distribution for FY 08-09 and the next three quarters shall be reduced in equal amounts with the four distributions totaling the 09-10 appropriation from the Local Government Fund.

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PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year references from “2009-2010” to “2010-11” and “2008-2009” to “2009-10.” Fiscal Impact: No impact on the General Fund.

86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2009-2010~~ 2010-11, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year ~~2008-2009~~ 2009-10 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the ~~2009-2010~~ 2010-11 appropriation from the Local Government Fund.

86.7 **AMEND** (LGF) Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for the current fiscal year.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year reference from “2009-10” to “2010-11.” Fiscal Impact: PENDING.

86.7. (AS-TREAS: LGF) For Fiscal Year ~~2009-10~~ 2010-11, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

SECTION 89 - X90 - GENERAL PROVISIONS

89.2 **AMEND** (Appropriations From Funds) Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2009-10.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year reference from “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2009-10~~ 2010-11, and for other purposes specifically designated.

89.3 **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year references from “2009” to “2010;” “2010” to “2011;” and “2008” to “2009.” Fiscal Impact: No impact on the General Fund.

89.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011, and “prior fiscal year” means the fiscal year beginning July 1, ~~2008~~ 2009, and ending June 30, ~~2009~~ 2010.

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89.16 **AMEND** (Personal Service Reconciliation, FTEs) Requires the Budget and Control Board to monitor FTEs.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso change AMEND proviso to change fiscal year reference from "2009-10" to "2010-11." Fiscal Impact: No impact on the General Fund.

89.16. (GP: Personal Service Reconciliation, FTEs) In order to provide the necessary control over the number of employees, the Budget and Control Board is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

1. That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the Budget and Control Board.

2. That the Budget and Control Board shall maintain and make, as necessary, periodic adjustments thereto, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

(a) That within thirty (30) days of the passage of the Appropriation Act or by August 1, whichever comes later, each agency of the State must have established on the Budget and Control Board records all positions authorized in the Act. After that date, the Board shall delete any nonestablished positions immediately from the official record of authorized full-time equivalent positions. No positions shall be established by the board in excess of the total number of authorized full-time equivalent positions. Each agency may, upon notification to the Budget and Control Board, change the funding source of state FTE positions established on the Budget and Control Board records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

(b) That by September 30, the board shall prepare a personal service analysis, by agency, which shows the number of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal year at a funding level of 100%. The board shall then reconcile each agency's personal service detail with the agency's personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to reflect the agency's personal service funding level. The board shall provide a copy of each agency's personal service reconciliation to the Senate Finance and House Ways and Means Committees.

(c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the Budget and Control Board.

3. That full-time equivalent (FTE) positions shall be determined under the following guidelines:

(a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

(b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position.

(c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine (9) months.

The FTE method of accounting shall be utilized for all authorized positions.

4. That the number of positions authorized in this act shall be reduced in the following circumstances:

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- (a) Upon request by an agency.
- (b) When anticipated federal funds are not made available.
- (c) When the Budget and Control Board, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

5. That the Budget and Control Board shall annually reconcile personal service funds with full-time employee count. Unfunded positions will be eliminated no later than January 15 of the current fiscal year unless specifically exempted elsewhere in this act or by the State Budget and Control Board. The State Budget and Control Board must report the full-time employee count and unfunded position status to the Senate Finance Committee and the Ways and Means Committee by February 1 of the current fiscal year.

6. That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but temporary positions may be so funded.

7. That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan under item I of Section 8-11-260 of the 1976 Code.

The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of personal service appropriation recommended for each agency is at least 97% of the funds required to meet 100% of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new positions).

The requirements of subitem 2(c) and subitem 5 contained in this provision are suspended for Fiscal Year ~~2009-10~~ 2010-11.

- 89.25** **AMEND** (Information Technology - Report of Requested Increases) Authorizes and directs the B&C Board to identify all requested information technology increases for agencies, institutions, or departments, except for colleges, universities, and technical institutions. Direct that the requests be compiled in one report and evaluated. Direct that the evaluation be forwarded to the Governor and Chairmen of the Senate Finance and House Ways and Means Committees.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the requirement that the requests be evaluated and forwarded. Instead direct that an evaluation be provided upon request of the Governor, or Chairman of the Senate Finance Committee, or Chairman of the House Ways and Means Committee, or a respective subcommittee chairman. *Allows agency resources to focus on evaluations that are of interest to the specified parties.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

89.25. (GP: Information Technology - Report of Requested Increases) The Budget and Control Board is authorized and directed to identify all requested increases for information technology for agencies, Institutions or departments, with the exception of colleges, universities and technical institutions, compile the requests into one report, ~~evaluate the requests and forward the evaluation to~~ for the Governor, the Chairman of Senate Finance Committee, and the Chairman of the House Ways & Means Committee or a respective subcommittee chairman. Upon request of the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, or a respective subcommittee chairman, the Budget and Control Board shall provide an evaluation of any request.

- 89.53** **DELETE** (Best Management Practices) Directs that agencies who are appropriated funds in this act must report on their website by September 1st each year, a self assessment of the agency's use of 13 specific best management practices during the prior fiscal year and to use a format similar to the Department of Transportation's best management practices report. Encourages agencies to partner with other agencies for a peer review process. Requires

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agencies to publicly rate itself as in compliance, in progress, or in non-compliance for each of the best practices. Exempts higher education institutions from this requirement.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *A more thorough and informative report of agencies' self assessment and activities is already reported in the annual Accountability Report.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

89.53. (GP: Best Management Practices) ~~Using a format similar to the Department of Transportation's best management practices report, by September 1 of each year, agencies appropriated funds in this act must report on their website a self assessment of the agency's use of the following best practices during the prior fiscal year. Agencies are encouraged to partner with other agencies for a peer review process. For each of the best practices, the agency must publicly rate itself as in compliance, in progress, or in non-compliance. State institutions of higher education are exempt from this requirement.~~

~~(1) Integration of Planning and Budgeting: The agency employs a multi-year strategic planning process that links the planning process with the annual budget review.~~

~~(2) Internal Audit: The agency utilizes an active internal audit process that includes: (a) programmatic reviews along with fiscal reviews; (b) consistent follow-up on audit findings; and (c) reporting of the internal audit function to the institutional head and/or to the governing board, if applicable. Agencies that cannot afford a separate internal audit staff should use internal reviews that serve the same function as an internal auditor.~~

~~(3) Collaboration and Partnerships: The agency demonstrates financially beneficial collaborative efforts with other public entities in performance of business functions including, as applicable, but not limited to, financial management, energy management, printing and publications, mail service, procurement, warehousing, public safety, security, space utilization, and parking.~~

~~(4) Outsourcing and Privatization: The agency examines opportunities for contracting out various business functions, has performed cost analyses, and has implemented, where economically feasible, cost saving contracts.~~

~~(5) Process Analysis: The agency makes a critical examination of its business processes in an effort to increase productivity, reduce waste and duplication, and improve the quality of services provided to its internal customers.~~

~~(6) Use of Automation and Technology: The agency uses a long range plan for improved use of technology to enhance business processes and takes deliberate efforts to implement this technology within budget constraints.~~

~~(7) Energy and Other Resource Conservation and Management: The agency uses a plan to conserve energy and other resources and has demonstrated positive results from the plan.~~

~~(8) Preventive and Deferred Maintenance: The agency uses a regular program of preventive maintenance to preserve its physical assets and has developed a plan to address overdue maintenance needs for its facilities.~~

~~(9) Alternate Revenue Sources: The agency makes substantial efforts to identify and secure alternate revenue sources (excluding categorical grants for specific functions) to supplement funds available from state appropriations.~~

~~(10) External Annual Financial Audit Findings: The agency minimizes or avoids all management letter and single audit findings in the annual audit performed or supervised by the State Auditor, especially violations of state law, material weaknesses, and single audit "findings" and "questioned costs."~~

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~~(11) External Review Findings: The agency minimizes or avoids all non-compliance findings related to its business practices in external reviews and audits.~~

~~(12) Long Range Capital Plan: The institution uses a long range (minimum three to five years) capital improvement plan for major capital requirements for its buildings and has, subject to fund availability, begun implementation of the plan.~~

~~(13) Risk Management: The agency has an active risk management program in place to minimize its losses.~~

- 89.66** **DELETE** (Morris Island Lighthouse Transfer) Directs the B&C Board to transfer any funds remaining or refunded by the federal government, after the Section 103 Morris Island Lighthouse restoration project is completed, to Save the Lighthouse, Inc. and directs that the funds be used for additional restoration or maintenance of the lighthouse.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Section 103 agreement has been executed and completed as directed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**89.66.** (GP: Morris Island Lighthouse Transfer) Responsibility for the Morris Island Lighthouse is transferred from the Department of Natural Resources to the Budget and Control Board. The board is authorized and directed on behalf of the State of South Carolina to execute all necessary agreements concerning Section 103 funds available from the federal government. The State will be responsible for all financial commitments arising from the Section 103 agreements.~~

- 89.96** **AMEND** (Solar Power Income Tax Credit Increased) Increases from 25% to 30%, the state income tax credit allowed by Section 12-6-3587 [PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEM FOR HEATING WATER, SPACE HEATING, AIR COOLING, OR GENERATING ELECTRICITY] for purchase and installation costs of a qualifying solar energy system for taxable year ending in 2009.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year reference from "2009" to "2010." Fiscal Impact: PENDING.

89.96. (GP: Solar Power Income Tax Credit Increased) The State income tax credit allowed pursuant to Section 12-6-3587 of the 1976 Code for the costs of purchase and installation of a qualifying solar energy system in a taxable year ending in ~~2009~~ 2010 is increased from twenty-five to thirty percent of such costs.

- 89.103** **DELETE** (Information Technology Inventory) Requires a governmental body as defined by Section 11-35-310(18) [SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE DEFINITIONS] to conduct an inventory of information technology hardware. Directs that hardware to be inventoried and information to be provided shall be defined by the technical collaboration work group established as part of the Statewide Strategic Information Technology Plan process. Directs that the information technology hardware inventory include: (1) manufacturer, model number and date of acquisition; (2) description of required software or firmware; (3) term, renewal options, and date of expiration of applicable maintenance agreements; (4) term and expiration date of applicable warranty periods; and (5) description of applicable service level agreements. Directs the governmental body to report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, 2009. Directs the State Information Technology Planning Office to present information and options for establishing a statewide maintenance contract to the Agency

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Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of IT hardware under a state term contract.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Purpose of proviso will be accomplished during FY 2010.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~89.103. (GP: Information Technology Inventory) A governmental body, as defined by Section 11-35-310(18) of the 1976 Code, must conduct an inventory of information technology hardware. The information technology hardware subject to the inventory and the information required to be provided shall be defined by the technical collaboration work group established as part of the legislatively directed Statewide Strategic Information Technology Plan process. At a minimum, the inventory shall include: (1) the manufacturer, model number and date of acquisition of the information technology hardware; (2) a description of any software or firmware required for the operation of the information technology hardware; (3) the term, renewal options, and date of expiration of any maintenance agreements applicable to the information technology hardware; (4) the term and expiration date of any warranty periods applicable to the information technology hardware; and (5) a description of any service level agreements applicable to the information technology hardware. The governmental body must report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, 2009. The State Information Technology Planning Office shall present the information and options for establishing a statewide maintenance contract to the Agency Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of information technology hardware under a state term contract.~~

89.107 AMEND (Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) Exempts handguns and shot guns from state and local sales tax for sales occurring from 12:01 am, Friday, November 27, 2009, through midnight Saturday, November 28, 2009.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change calendar reference from "Friday, November 27, 2009" to "Friday, November 26, 2010" and "Saturday, November 28, 2009" to "Saturday, November 27, 2010." Fiscal Impact: PENDING.

89.107. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November 27, 2009 26, 2010, through twelve midnight, Saturday, November 28, 2009 27, 2010.

89.smb ADD (Transfer Small and Minority Business Assistance) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to transfer the duties, functions, responsibilities, personnel, equipment, supplies, appropriated, authorized and carry forward funds and all other assets and resources of the Office on Small and Minority Business Assistance housed under OEPP to the B&C Board Procurement Services Division effective July 1, 2010, or as soon as practicable thereafter. Fiscal Impact: No impact on the General Fund.

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89.smb. (GP: Transfer Small and Minority Business Assistance) Effective July 1, 2010, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Office on Small and Minority Business Assistance under the Governor's Office of Executive Policy and Programs are transferred to the Procurement Services Division of the Budget and Control Board.

- 89.teri** **ADD** (TERI Program Closure) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that that the TERI program is closed to new participants effective July 1, 2010. Fiscal Impact: No impact on the General Fund.

89.teri. (GP: TERI Program Closure) The Teacher and Employee Retention Incentive (TERI) Program is closed to new participants effective July 1, 2010.

- 89.fsv** **ADD** (Fire Service Vehicles Allowed to Use "Offroad Diesel") **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to exempt fire service vehicles operated by political subdivisions from the user fee on diesel fuel imposed by Chapter 28 of Title 12 [MOTOR FUELS SUBJECT TO USER FEES]. Authorize "offroad diesel" to be purchased to operate these vehicles. Fiscal Impact: PENDING.

89.fsv. (GP: Fire Service Vehicles Allowed to Use "Off-road Diesel") Fire service vehicles operated by political subdivisions of this State are exempt from the user fee on diesel fuel imposed pursuant to Chapter 28, Title 12 of the 1976 Code for fuel purchased in the current fiscal year. "Off-road diesel" may be purchased to operate these vehicles.

SECTION 90 - X91 - STATEWIDE REVENUE

- 90.1** **AMEND** (Year End Expenditures) Directs year-end expenditure deadlines. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change fiscal year reference from "2010" to "2011" and "July 16, 2010" to "July 15, 2011." Fiscal Impact: No impact on the General Fund.

90.1. (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2010~~ 2011. State agencies are required to submit all current fiscal year input documents to the Comptroller General's Office by July ~~16, 2010~~ 15, 2011. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

- 90.8** **DELETE** (State Budget Stabilization Fund) States the intent of the General Assembly to accept all funds that are available from the State Budget Stabilization Fund contained in the

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American Recovery and Reinvestment Act of 2009 and authorizes such funds to be expended as delineated in this act.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~90.8. (SR: State Budget Stabilization Fund) It is the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009 and to authorize expenditure of such funds as delineated in this act.~~

- 90.9 DELETE** (ARRA Fund Authorization) States the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009. Directs the Office of State Budget to increase agency federal fund authorization for State Budget Stabilization Fund monies allocated by the General Assembly.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~90.9. (SR: ARRA Fund Authorization) It is the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009. The Office of State Budget is directed to increase agency federal fund authorizations for funds from the State Budget Stabilization Fund allocated by the General Assembly.~~

- 90.11 DELETE** (Nonrecurring Revenue) Provides for distribution of \$51,920,921 of non-recurring revenue derived from various sources and disbursed by the State Treasurer to agencies for specific purposes. Authorizes unexpended funds appropriated by this provision to be carried forward.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~90.11. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$51,920,921 of non-recurring revenue generated from the following sources, transferred to the State Treasurer, and subsequently deposited in a fund separate and distinct from the General Fund as established within the State Treasurer's Office: (1) the State Treasurer shall transfer \$15,000,000 of the excess cash balance from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property; and (2) the Budget and Control Board shall transfer \$36,920,921 of premium savings from F03, Budget and Control Board, Subfund 4161, Insurance Reserve Fund. These transfers shall occur no later than September 1, 2009 and shall be available for use in Fiscal year 2009-10 after September 1, 2009.~~

~~(B) The State Treasurer shall disburse the following appropriations by September 1, 2009, for the purposes stated:~~

- | | |
|--|---------------------------|
| (1) Aid to Subdivisions Department of Revenue | |
| Homestead Exemption Shortfall | \$ 37,534,561; |
| (2) Commission on Higher Education | |
| Need Based Grants | \$ 1,000,000; |
| (3) Department of Parks, Recreation and Tourism | |
| Destination Specific Tourism | \$ 8,000,000; |

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- (4) South Carolina Conservation Bank \$ — 2,000,000;
- (5) Budget and Control Board
State Energy Office Hydrogen Fuel Station Loans..... \$ — 1,450,800;
- (6) Budget and Control Board
General Services Deferred Maintenance..... \$ — 1,800,000; and
- (7) Commission on Higher Education
University Center of Greenville \$ — 135,560.

~~(C) The Budget and Control Board is required to suspend the payment of annual premiums for all Insurance Reserve Fund insurance lines that would otherwise be paid by State agencies up to an amount of \$36,920,921 in order to meet the requirements of this provision for Fiscal Year 2009-10. This suspension of annual renewal premium applies to coverages that were in effect and would be subject to renewal in Fiscal Year 2009-10. Any new coverages or additional coverages insured with the Insurance Reserve Fund during Fiscal Year 2009-10 are subject to premium collection. Each state agency, as so classified by the Insurance Reserve Fund for purposes of providing insurance, is directed to remit the amount of premium savings, as reported by the Insurance Reserve Fund, to the Budget and Control Board for deposit into the Insurance Reserve Fund. Each State agency is authorized to use funds from any source except federal funds for this payment. By this provision, these remittances are deemed to have occurred and are available for appropriation in the amount of \$36,920,921. The Insurance Reserve Fund is directed to adjust rates in future years as necessary to ensure actuarial soundness of the fund.~~

- 90.13 DELETE** (Personnel for Increased Enforcement Collections) Directs the Department of Revenue, for FY 09-10, to use \$2,200,000 exclusively to hire and provide operations for specifically identified additional enforcement personnel (agents, auditors and support), to enhance audit and collection activity and provides guidelines and directives for the funds collected. Directs the State Treasurer to disburse the funds collected pursuant to this provision quarterly on a pro rata basis to certain agencies for specified purposes. Prohibits an agency from expending funds appropriated in this provision until they are received. Authorizes these funds to be carried forward to succeeding fiscal years and be expended for the same purpose. Directs that if revenues collected are less than the amounts appropriated, these appropriations shall be reduced on a pro rata basis. Directs that excess revenue above the amounts identified in this provision shall be transferred to the General Fund. Requires the Department of Revenue to report quarterly to the finance committees of the General Assembly and to the BEA on collections received.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**90.13.** (SR: Personnel for Increased Enforcement Collections) For Fiscal Year 2009-10, in order to increase enforced collections, two million two hundred thousand dollars allocated to the Department of Revenue in this act shall be used exclusively to hire and provide operations for specifically identified additional enforcement personnel (agents, auditors and support) to enhance audit and collection activity.~~

~~The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.~~

~~These funds shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected~~

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~~as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.~~

~~For the fiscal year beginning July 1, 2009 and ending June 30, 2010, the State Treasurer shall disburse quarterly the following funds on a pro rata basis:~~

~~(1) A01—The Senate~~

~~Reapportionment \$ 1,000,000;~~

~~(2) F30—Employee Benefits Other~~

~~Post-Employee Benefits \$ 3,245,659;~~

~~(3) X44—Aid to Subdivisions—Department of Revenue~~

~~Homestead Exemption Shortfall..... \$ 43,504,341; and~~

~~(4) H03—Commission on Higher Education~~

~~Need Based Grants..... \$ 500,000.~~

~~Once sufficient revenue has been collected to fully fund the above items, the first \$8,000,000 of excess revenue shall be transferred to the Department of Motor Vehicles to reimburse the department for the funds transferred to other agencies by proviso 90.12 of this act. The next \$500,000 of excess revenue shall be transferred to the Forestry Commission. The next \$285,000 of excess revenue shall be transferred to Clemson University-PSA for the South Carolina Biotechnology Incubation Facility. The next \$500,000 of excess revenue shall be transferred to the Commission on Higher Education—University Center of Greenville. The next \$30,000 of excess revenue shall be transferred to the Department of Agriculture for Agri-Business Development. The next \$10,000,000 of excess revenue shall be transferred to Aid to Subdivisions State Treasurer for the Local Government Fund.~~

~~The Department of Revenue shall develop internal mechanisms to insure the integrity of customary and usual enforced collections. When the department determines that the quarterly customary and usual enforced collections have been exceeded, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.~~

~~The funds in this account shall be appropriated for the purposes herein and disbursed quarterly on a pro rata basis unless otherwise stated. However no agency shall expend funds appropriated in this provision until they are received by that agency. Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purpose.~~

~~If revenues collected and deposited into the new account are less than the amounts appropriated, agencies receiving appropriations shall have their appropriations reduced on a pro rata basis.~~

~~Any excess revenue above the amounts identified in this provision shall be transferred to the General Fund of the State.~~

~~The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the collections received in this fund.~~